



Federal Communications Commission  
Washington, D.C. 20554

## Memo

**To:** Dan Kettwich, for  
Woodbourne Schools

**From:** Ryan B. Palmer, Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission

**Date:** February 1, 2018

**Re:** DA 18-72, released January 31, 2018

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The attached Public Notice contains the Bureau's decision on your appeal. It may be referenced in the future by its document number and release date: DA 18-72, Released January 31, 2018.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached Public Notice, you will receive a revised funding commitment decision letter.

If the Bureau has dismissed or denied your appeal and you would like to seek reconsideration of that decision, the deadline to file a petition for reconsideration or application for review by the full Commission is 30 days from the release date. *See* 47 CFR §§ 1.106, 1.115. We encourage you to file your petition for reconsideration or application for review electronically using the Commission's electronic comment filing system (ECFS) at <https://www.fcc.gov/ecfs/filings>. On your filing, please include a reference to the proceeding, CC Docket No. 02-6.





# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
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**DA 18-72**

**Released: January 31, 2018**

## **STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

**CC Docket No. 02-6**  
**WC Docket No. 06-122**

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.<sup>2</sup>

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

**Schools and Libraries (E-rate)**

**CC Docket No. 02-6**

**Dismissed as Moot<sup>3</sup>**

Hull-Daisetta Independent School District, TX, Application No. 161001078, Request for Review, CC Docket No. 02-6 (filed Nov. 28, 2017)

Texarkana Independent School District, TX, Application No. 161038751, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2017)

**Dismiss for Failure to Comply with the Commission's Basic Filing Requirements<sup>4</sup>**

Council for the Spanish Speaking, Inc. (Centro Hispano Milwaukee), WI, Application No. 161008591, Request for Waiver, CC Docket No. 02-6 (filed Jan. 10, 2018)

**Dismissed on Reconsideration<sup>5</sup>**

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<sup>3</sup> See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Diversified Computer Solutions, Inc.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices funded).

<sup>4</sup> 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by the Administrator, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

<sup>5</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding). On reconsideration, Breckenridge Public Schools 846 adds additional details to its earlier request for waiver. It argues that a waiver of the Commission's rules is justified because the E-rate coordinator missed the invoice deadline because of responsibilities related to a family member's illness and death. We find this new argument to be unavailing. Our rules provide that a petition for reconsideration that relies on new facts or arguments will only be entertained in certain circumstances. See 47 CFR § 1.106(c). Because the Commission has noted that personal or family health issues, including emergencies, are not sufficient to be considered extraordinary circumstances for granting a waiver of the invoice deadline, we find no basis for granting the petition based on this newly raised argument. See *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order,

Breckenridge Public Schools 846, MN, Application No. 161034360, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 5, 2017)

Dismissed on Reconsideration - Untimely<sup>6</sup>

Hamden Hall Country Day School, CT, Application No. 997653, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 4, 2017)

Granted<sup>7</sup>

*Ministerial and/or Clerical Errors<sup>8</sup>*

Houston Area Library Automated Network (HALAN), TX, Application No. 161059030, Request for Review, CC Docket No. 02-6 (filed May 16, 2017, supplemented Jan. 9, 2018)

Denied

*Invoice Deadline Extension Requests<sup>9</sup>*

Clay Local School District, OH, Application No. 161055008, Request for Waiver, CC Docket No. 02-6 (filed Dec. 18, 2017)

Holy Trinity Academy, NY, Application No. 161024921, Request for Waiver, CC Docket No. 02-6 (filed Dec. 11, 2017)

Johnston City Community Unit School District #1, IL, Application No. 161040544, Request for

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31 FCC Rcd 3834, 3837, para. 9 (WCB 2016).

<sup>6</sup> See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

<sup>7</sup> We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

<sup>8</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, para. 2, n.13 (WCB 2010) (permitting an applicant to correct a mischaracterization of the discounted price as the pre-discounted price).

<sup>9</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

Waiver, CC Docket No. 02-6 (filed Jan. 4, 2018)

New Boston School District, NH, Application No. 161011841, Request for Waiver, CC Docket No. 02-6 (filed Dec. 6, 2017)

Sandford School District, ME, Application No. 882908, Request for Waiver, CC Docket No. 02-6 (filed Nov. 20, 2017)

Unity Lutheran Christian Elementary School, IL, Application Nos. 161013925, 161013950, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2017)

Woodbourne Schools, MD, Application No. 1004117, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2017)

*Late-Filed Operational Service Provider Identification Number (SPIN) Change Request*<sup>10</sup>

Agape Child Development Center, MO, Application No. 584746, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2009)

**Contribution Methodology**  
**WC Docket No. 06-122**

**Denied**

*Late 499-A Filing Fee Waiver Request*<sup>11</sup>

Logical Ventures, Inc., Request for Waiver, WC Docket No. 06-122 (filed Dec. 14, 2017)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at [kate.dumouchel@fcc.gov](mailto:kate.dumouchel@fcc.gov) or (202) 418-1839.

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<sup>10</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Warren Village School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 237, 238, para. 2 (WCB 2011) (noting that all SPIN change requests must be postmarked or received no later than the last date to submit an invoice).

<sup>11</sup> See, e.g., *Requests for Review of a Decision of the Universal Service Administrator by Achilles Networks, Inc., et al.*, WC Docket 06-122, Order, 25 FCC Rcd 4646 (WCB 2010) (denying requests for reversal of late fees associated with the untimely filing of the FCC Forms 499-A and 499-Q); *Universal Service Contribution Methodology, BelWave Communications Request for Waiver*, WC Docket 06-122, Order, 27 FCC Rcd 11176 (WCB 2012); *Universal Service Contribution Methodology, Mercury Wireless Request for Waiver*, WC Docket 06-122, Order, 27 FCC Rcd 11178 (WCB 2012) (both denying a request for waiver where the company claimed to be unaware of its obligation to file an FCC Form 499-A for the years at issue). See also 47 CFR §§ 54.713(a), 54.708.